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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,400	12/17/1999	MICHAEL FRIEDOW	10191/1172	1125

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EXAMINER

LEON, EDWIN A

ART UNIT PAPER NUMBER

2833

DATE MAILED: 02/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/466,400

Applicant(s)

FRIEDOW ET AL.

Examiner

Edwin A. León

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/03/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed December 6, 2001 in which Claim 1 has been amended and new Claims 17-19 have been added, has been place of record in the file as Paper No. 12.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togashi (U.S. Patent No. 5,772,470). With regard to Claims 1, 4 and 19, Togashi discloses a device for contacting an electrically operated apparatus, comprising: at least one terminal contact (bottom of Fig. 1) on a side of the apparatus, the at least one terminal contact (bottom of Fig. 1) being oriented parallel to an installation direction of the apparatus; and a plug (50) including at least one sleeve contact (11), the at least one sleeve contact (11) and the at least one terminal contact (bottom of Fig. 1) being adapted to be assembled together parallel to the installation

direction and the at least one sleeve contact (11) including two concentric sleeve contacts (11). See Column 5, Lines 6-13 and Figs. 1-5.

Togashi discloses the claimed invention except for the at least one terminal including two concentric terminal contacts, the two sleeve contacts connecting the two terminal contacts and the sleeve contacts having only one circumferentially contiguous contact area. It would have been an obvious matter of design choice to have the 'at least one terminal including two concentric terminal contacts, the two sleeve contacts connecting the two terminal contacts and the sleeve contacts having only one circumferentially contiguous contact area, since applicant has not disclose that these features are critical, patentably distinguishing features and the invention would perform equally well with a single terminal contact (bottom of Fig. 1) as shown in Fig. 1 of Togashi and the sleeve contacts (11) as shown in Fig. 4 of Togashi.

With regard to Claim 3, Togashi discloses the sleeve contacts (11) are each in contact with the terminal contact (bottom of Fig. 1) on an outside circumference when joined together. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 5, Togashi discloses insulation situated between the terminal contact (bottom of Fig. 1). See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 6, Togashi discloses the insulation includes an insulating sleeve composed of a plastic. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 7, Togashi discloses a back wall (56) of the plug acts as a further insulation which, together with the insulation between the terminal contact

(bottom of Fig. 1), form two contact chambers insulated from one another. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 8, Togashi discloses the at least one sleeve contact (11) includes an interior sleeve contact and an exterior sleeve contact, a printed conductor of the interior sleeve contact passing through a recess in the exterior sleeve contact. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 9, Togashi discloses the at least one sleeve contact (11) includes a cylindrical segment. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 10, Togashi discloses the at least one sleeve contact (11) having polygonal cross section. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 11, Togashi discloses the at least one sleeve contact (11) has a diameter so as to overcome a predetermined contacting force when connected. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 12, Togashi discloses the sleeve contacts (11) have inclined insertion guides. See Column 5, Lines 6-13 and Figs. 1-5.

With regard to Claim 13, Togashi discloses a plurality of punched grid conductors (101) connected to the plug (50). See Column 5, Lines 6-13 and Figs. 1-5 and 20-22.

With regard to Claim 14, Togashi discloses a first of the sleeve contacts (11) and a first of the punched grid conductors (101) are a one-piece unit, and a second of the sleeve contacts (11) and a second of the punched grid conductors (101) are a one-piece unit. See Column 5, Lines 6-13 and Figs. 1-5 and 20-22.

With regard to Claim 15, Togashi discloses the sleeve contacts (11) are formed by one of bending and folding the punched grid conductors (101). See Column 5, Lines 6-13 and Figs. 1-5 and 20-22.

With regard to Claim 17-18, It would have been obvious to one with ordinary skill in the art to use the device of Togashi with any electrically operated apparatus as taught in Column 1, Lines 5-12 of Togashi.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Togashi (U.S. Patent No. 5,772,470) in view of Beloritsky (U.S. Patent No. 6,036,540). With regard to Claim 15, Togashi discloses the claimed invention except for the sleeve contact being configured to substantially surround a respective one of the terminal contacts when the at least one sleeve contact and the at least one terminal contact are assembled.

Beloritsky discloses a contact (10), which surrounds a terminal contact (25). See Figs. 1-3.

Thus, it would have been obvious to one with ordinary skill in the art to modify the device of Togashi by including a contact which surrounds a terminal contact as taught in Beloritsky to improve the electrical connection between both contacts.

Response to Arguments

5. Applicant's arguments filed December 6, 2001 have been fully considered but they are not persuasive. In response to Applicant's argument regarding Claim 1 that the

reference does not show the device for contacting an electrically operated apparatus, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex. parte Masham*, 2 USPQ2d 1647 (1987). Furthermore, Togashi (Column 1, Lines 5-12) discloses the use of the device for an electrically operated apparatuses.

In response to applicant's argument that the reference does not show the at least one terminal including two concentric terminal contacts, the two sleeve contacts connecting the two terminal contacts, Applicant has failed to provide an explanation of why this feature is critical to the invention. Therefore, it is the Examiner's opinion that this feature is an obvious matter of design choice.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

P. Austin Bradley
P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

EAL
February 2, 2002